

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THOMAS NICKOWSKI,

Plaintiff,  
v.

CASE NO. 16-11814  
HON. MARIANNE O. BATTANI

COMMISSIONER  
OF SOCIAL SECURITY,

Defendant.  
\_\_\_\_\_ /

**ORDER ADOPTING REPORT AND RECOMMENDATION AND GRANTING  
DEFENDANT'S MOTION FOR SUMMARY JUDGMENT AND  
DENYING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

Plaintiff Thomas Nickowski brings this action pursuant to 42 U.S.C. § 405(g), challenging the final decision of the Commissioner denying his application for Supplemental Security Income under the Social Security Act, 42 U.S.C. § 401 et seq. The case was referred to Magistrate Judge R. Steven Whalen pursuant to 28 U.S.C. § 636(b)(1)(B), to review the final decision.

The parties filed cross-motions for summary judgment. In a Report and Recommendation ("R&R") dated June 29, 2017, Magistrate Judge Whalen recommended that Defendant's Motion for Summary Judgment be granted and that Plaintiff's motion be denied. In his R&R, the Magistrate Judge informed the parties that objections to the R&R needed to be filed within 14 days of service and that a party's failure to file objections would waive any further right of appeal. (Doc. No. 25 at 19).

Neither party filed an objection. Because no objection has been filed in this case, the parties waived their right to *de novo* review and appeal. Moreover, this Court

agrees with the thorough analysis contained in the R&R.

Accordingly, the Court **ADOPTS** the Magistrate Judge's recommendation, **DENIES** Plaintiff's Motion for Summary Judgment, **GRANTS** Defendant's Motion for Summary Judgment, and **AFFIRMS** the Commissioner's decision.

**IT IS SO ORDERED.**

Date: July 31, 2017

s/Marianne O. Battani  
MARIANNE O. BATTANI  
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on July 31, 2017.

s/ Kay Doaks  
Case Manager